

Message Text

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ACTION EUR-12

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EB-08 EPA-01 ERDA-05 FMC-01 TRSE-00 H-01 INR-07
INT-05 IO-13 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01
OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06
SAL-01 FRB-03 STR-04 LAB-04 SIL-01 /133 W
-----112149Z 000152 /73

R 111852Z MAR 77
FM USMISSION EC BRUSSELS
TO SECSTATE WASHDC 3245INFO ALL EC CAPS 3266
AMEMBASSY BERLIN
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E.O. 11652: N/A
TAGS: EEC, UR, EFIS, PLOS
SUBJCET: SUSPENSION OF EC-SOVIET AND EC-GDR FISHERY NEGOTIATIONS

REF: (A) EC BRUSSELS 2324; (B) BONN 4251; (C) BONN 3537

SUMMARY: THE SECOND ROUND OF EC-SOVIET FISHERIES
NEGOTIATIONS WERE SUSPENDED MARCH 10 AND ARE TO RESUME
APRIL 19, WHILE THE INITIAL ROUND OF EC-EAST GERMAN
NEGOTIATIONS ENDED MARCH 11 AND ARE TO BE TAKEN UP
AGAIN IN ABOUT TWO WEEKS. WHILE CONSIDERABLE PROGRESS
WAS APPARENTLY MADE IN WORKING OUT THE TEXT OF A FRAME-
WORK AGREEMENT, A NUMBER OF DIFFICULT ISSUES REMAIN TO
BE RESOLVED WITH THE USSR. IN ADDITION TO THE "BERLIN
CLAUSE", IDENTIFICATION OF THE NEGOTIATING PARTIES, AND
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ARBITRATION PROVISIONS, THE SOVIET CLAIM FOR A LARGE ANNUAL
QUOTA ON THE BASIS OF "HISTORIC FISHING RIGHTS"
MUST STILL BE RECONCILED WITH EC VIEWS THAT THE
AGREEMENT SHOULD PROVIDE FOR A GRADUAL DECREASE
OF SOVIET FISHING IN EC WATERS ON THE BASIS OF
RECIPROCITY. THE GDR NEGOTIATIONS ARGUED STRONGLY
AGAINST THE EC POSITION THAT A FISHERY AGREEMENT

WITH THE GDR - AS IN THE CASE OF POLAND - SHOULD PROVIDE FOR THE ORDERLY PHASE-OUT OF EAST GERMAN FISHING IN EC WATERS. END SUMMARY.

1. EC-SOVIET FISHERY NEGOTIATIONS WERE SUSPENDED MARCH 11 AFTER A FINAL PLENARY MEETING AT THE MINISTERIAL LEVEL (ISHKOV FOR THE USSR AND UK SECRETARY OF STATE SCOTT (EC COUNCIL) AND DEPUTY DIRECTOR GENERAL OR EXTERNAL AFFAIRS GALLAGHER (EC COMMISSION) FOR THE COMMUNITY DURING WHICH EACH SIDE'S POSITION ON THE REMAINING ISSUES WAS IDENTIFIED. IT WAS AGREED THAT BOTH SIDES WOULD PONDER THESE ISSUES AND MEET AGAIN FOR A THIRD ROUND OF NEGOTIATIONS ON APRIL 19. THE SOVIETS HAD ASKED THAT NEGOTIATORS RECONVENE IN TWO WEEKS, BUT THE EC SIDE SAID THAT THIS WAS TOO SOON, GIVEN THE PRESS OF OTHER BUSINESS AND THAT THE EC WOULD ONLY BE READY AFTER CERTAIN DECISIONS WERE REACHED AT THE NEXT EC FOREIGN MINISTERS COUNCIL ON APRIL 5 AND AFTER THE EASTER RECESS.

2. EC COMMISSION SOURCES INFORM US THAT AGREEMENT HAS BEEN REACHED ON THE BULK OF THE TEXT OF A FISHERY AGREEMENT WITH THE USSR, BUT NOTED THAT THE PARTIES ARE STILL FAR APART ON A NUMBER OF KEY PRINCIPLES WHICH MIGHT ULTIMATELY PREVENT CONCLUSION OF AN AGREEMENT. THESE INCLUDE:

A. COMMISSION SOURCES SAY THAT THE USSR HAS NOW INDICATED ITS WILLINGNESS TO ACCEPT CONCLUSION OF A LIMITED OFFICIAL USE

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FISHERY AGREEMENT WITH "SOMETHING" CALLED THE EUROPEAN COMMUNITY LOOSELY DEFINED AS A SORT OF SECRETARIAT RESPONSIBLE FOR FISHING MATTERS OF THE MEMBER STATES. IT HAS PROPOSED THAT IN THE TITLE AND OTHER RELEVANT CLAUSES, THE AGREEMENT BE DEFINED AS BEING BETWEEN THE "MINISTRY OF FISHERY OF THE USSR AND THE EUROPEAN ECONOMIC COMMUNITY" AND BE SIGNED BY ISHKOV FOR THE USSR AND BY THE MINISTERS RESPONSIBLE FOR FISHERY MATTERS OF THE NINE MEMBER STATES FOR THE EC; THE EC COMMISSION AS SUCH WOULD NOT BE A SIGNATORY. THE EC SIDE INSISTED THAT THE AGREEMENT SHOULD BE BETWEEN THE "GOVERNMENT OF THE USSR AND THE EUROPEAN ECONOMIC COMMUNITY", AS SUCH, AND THAT THE EC COUNCIL WILL DECIDE WHO IS COMPETENT TO SIGN THE AGREEMENT ON BEHALF OF THE EC AND WILL NOT BE TIED TO A FORMULA PROPOSED BY THE OTHER SIDE. THE SOVIETS SAID THEY COULD NOT ACCEPT THIS POSITION WHICH WOULD GIVE THE COMMUNITY EQUAL POLITICAL STATURE AS A SOVEREIGN NATIONAL GOVERNMENT.

B. THE EC INSISTED ON INCLUSION OF THE TERRITORIAL
(OR "BERLIN") CLAUSE AS ARTICLE 10 WITH THE TEXT AS REPORTED IN
REF C. THE SOVIET SIDE ARGUED STRONGLY THAT SUCH A
CLAUSE, WHICH IS CONCERNED WITH THE DEFINITION OF
TERRITORIAL BOUNDARIES ON LAND, IS TOTALLY IRRELEVANT
TO AN AGREEMENT ON FISHERIES. THE EC SIDE RESPONDED
THAT ARTICLE 10 IS ESSENTIAL IN ORDER TO DEFINE THE
EC AND TO AVOID AMBIGUITY IN THE FUTURE SINCE THE EC
IS NOT A SOVEREIGN GOVERNMENT. THE ABSENCE OF SUCH
A CLAUSE IN THE US-EC GIFA WAS DISCUSSED AS NOTED IN
REF B. OUR COMMISSION SOURCES SAY THAT BERLIN PER SE
WAS NOT CITED IN THE PLENARY MEETING ALTHOUGH THE
SOVIET SIDE IS FULLY AWARE THAT THE ARTICLE IS INTENDED
TO DEFINE THE COMMUNITY AS INCLUDING WEST BERLIN.
THE SOVIETS ALSO ARGUED THAT, AS PRESENTLY WORDED,
ARTICLE 10 COULD BE INTERPRETED AS EXTENDING EC
SOVEREIGNTY OVER MEMBER STATE FISHING ZONES (PARA 8,
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REF B).

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C. THE SOVIET SIDE INSISTED THAT THE AGREEMENT SHOULD RECOGNIZE SOVIET "HISTORICAL FISHING RIGHTS" IN WATERS NOW COVERED BY THE NEW 200-MILE FISHING ZONES OF THE MEMBER STATES AND CONTESTED THE EC DEFINITION THAT THERE IS NO SURPLUS IN THOSE WATERS. THEY SAID THE AGREEMENT SHOULD CONTAIN SOME PROVISION FOR A SOVIET VOICE IN ESTABLISHING WHAT THE ANNUAL SURPLUS WOULD BE. ISHKOV ALSO PRESENTED A PROTOCOL AT THE FINAL MEETING STATING THAT THE USSR WOULD LIKE TO MAINTAIN ITS ANNUAL FISHING CATCH IN EC WATERS AT AROUND 618,000 TONS A YEAR. HE SAID THE USSR IS CONVINCED THAT THERE IS AN ADEQUATE "SURPLUS" IN EC WATERS FOR A SOVIET FISHERY OF THIS MAGNITUDE ALTHOUGH IT AGREES THAT LIMITATIONS WOULD HAVE TO BE SET ON LIMITED OFFICIAL USE

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CERTAIN SPECIES WHICH HAVE BEEN OVERFISHED. THE SOVIETS CLAIMED THEY HAVE A "SURPLUS" IN THEIR WATERS TO WHICH THEY WOULD BE WILLING TO GIVE THE EC ACCESS, BUT THE EC ARGUED THAT THIS IS NOT A REAL SURPLUS SINCE SOVIET FISHERMEN COULD EASILY TAKE THE ENTIRE CATCH. THE SOVIET SIDE URGED THAT TALKS ON ESTABLISHING QUOTAS AND CONDITIONS FOR SOVIET FISHING SHOULD PROCEED IN PARALLEL WITH NEGOTIATIONS OF THE FRAMEWORK AGREEMENT, WHILE THE EC IS STANDING BY ITS POSITION THAT THERE SHOULD BE NO SERIOUS DISCUSSION OF THE FORMER UNTIL THE AGREEMENT IS CONCLUDED.

D. AS A COMPROMISE IN THE FACE OF EC INSISTENCE ON AN ARBITRATION CLAUSE, THE SOVIETS PROPOSED CREATION OF A JOINT FISHERY COMMISSION OR BOARD WHICH APPARENTLY WOULD HAVE A NEUTRAL MEMBER OR MEMBERS IN ADDITION TO AN EQUAL NUMBER NOMINATED BY THE EC AND BY THE USSR. ACCORDING TO COMMISSION OFFICIALS, THE EC RECOGNIZED THAT SUCH AN ARRANGEMENT WOULD PROVIDE THE MECHANISM FOR INTERNATIONAL ARBITRATION BUT PROBABLY ONLY FOR TECHNICAL FISHERY PROBLEMS; IT PROBABLY COULD NOT BE EXTENDED TO MEET THE EC'S DESIRE FOR ARBITRATION IN CASE OF CONFLICT ON BASIC PROVISIONS OR POLITICAL INTERPRETATIONS OF THE AGREEMENT.

3. COMMISSION OFFICIALS INSIST THAT NEGOTIATIONS HAVE NOT BROKEN DOWN AND THAT BOTH SIDES ARE STILL ANXIOUS TO CONCLUDE AN AGREEMENT. HOWEVER, THEY ALSO RECOGNIZE THAT THERE IS LITTLE GIVE IN THE EC POSITION ON THE

BERLIN CLAUSE AND ON DEFINING THE PARTIES TO THE AGREEMENT AS NOTED IN PARAS 2A AND 2B ABOVE. THEY FURTHER BELIEVE THAT RECONCILING THE CONFLICTING POSITIONS ON SOVIET FISHING RIGHTS IN EC WATERS (PARA 2C) WILL NOT BE EASY.

4. THE EC-EAST GERMAN NEGOTIATORS HELD ONLY TWO BRIEF LIMITED OFFICIAL USE

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SESSIONS ON MARCH 10 AND 11 BEFORE ADJOURNING FOR ABOUT TWO WEEKS. THE COMMUNITY DELEGATION HEADED BY UK UNDER SECRETARY FOR FOREIGN AFFAIRS TOMLINSON AND GALLAGHER TOOK THE POSITION THAT, AS IN THE CASE OF POLAND, A FISHING AGREEMENT WITH THE GDR SHOULD PROVIDE FOR THE ORDERLY PHASING OUT OF EAST GERMAN FISHING IN EC WATERS SINCE EAST GERMANY HAD VERY LITTLE RECIPROCITY TO OFFER EC FISHERMEN. MINISTER OF FOOD INDUSTRY UDO-DIETER WANGE, WHO HEADED THE GDR DELEGATION, SAID THAT NO AGREEMENT WOULD BE POSSIBLE IF THE EC OBJECTIVE WERE TO EXPEL EAST GERMAN FISHERMEN FROM EC WATERS. HE STRESSED THE HISTORIC NATURE OF SUCH FISHING AND THE EFFECT A BAN WOULD HAVE ON MANY EAST GERMAN WORKERS WHO DEPEND ON FISHING FOR A LIVELIHOOD. COMMISSION OFFICIALS INFORMED US THAT IT WAS CLEAR IN THE NEGOTIATIONS THAT THE GDR WILL BE GUIDED BY WHATEVER ARRANGEMENTS ARE REACHED WITH THE USSR IN REGARD TO POLITICALLY SENSITIVE ISSUES, SUCH AS THOSE CITED IN PARAS 2A, 2B AND 2D ABOVE. HINTON

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NEGOTIATIONS, FISHING AGREEMENTS, REGIONAL ORGANIZATIONS, MEETING REPORTS
Control Number: n/a
Copy: SINGLE
Sent Date: 11-Mar-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977ECBRU02403
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: N/A
Errors: N/A
Expiration:
Film Number: D770085-0089
Format: TEL
From: EC BRUSSELS
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1977/newtext/t19770370/aaaacjly.tel
Line Count: 257
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: cbd93dba-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: LIMITED OFFICIAL USE
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 5
Previous Channel Indicators: n/a
Previous Classification: LIMITED OFFICIAL USE
Previous Handling Restrictions: n/a
Reference: 77 EC BRUSSELS 2324, 77 BONN 4251, 77 BONN 3537
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 23-Nov-2004 12:00:00 am
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 3141741
Secure: OPEN
Status: NATIVE
Subject: CET: SUSPENSION OF EC-SOVIET AND EC-GDR FISHERY NEGOTIATIONS
TAGS: EFIS, PLOS, UR, EEC
To: STATE BERLIN
Type: TE
vdkgvwkey: odb://SAS/SAS.dbo.SAS_Docs/cbd93dba-c288-dd11-92da-001cc4696bcc
Review Markings:
Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
22 May 2009
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009